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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/413,642 | 10/06/1999 | KEN SAKAKIBARA | 35.13892 | 2258 |

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| EXAMINER |
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HEWITT II, CALVIN L

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| ART UNIT | PAPER NUMBER |
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3621

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/413,642

Applicant(s)

SAKAKIBARA ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-21 and 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 1, 3-21, and 23-44 have been examined.

Response to Amendments/Arguments

2. The prior art of Ludwig et al. teach a server for repeatedly receiving images form terminals connected to the server via a communications channel (figures 4, 21, and 31B-C) and repeatedly transmitting picked up camera image data and text data from a terminal and transmitting the image and data to each of the terminal devices (abstract; figures 2A, 4, 8A-B, 21, and 31B-C; column 8, lines 12-22; column 9, lines 4-14; column 20, lines 1-32; column/line 20/65-21/65), inputting an image picked up from a camera (abstract; figures 2A and 18A-B) and inputting text data (figures 2, 36 and 40). Regarding "text data indicating where a user is", Ludwig et al. teach a collaborative system where a user can enter text data (figures 2, 36 and 40) therefore the Ludwig et al. system allows a user to use text to convey whatever message he, she or they desire such as his or her location. Regarding how text data and the camera image data is displayed, the claimed image and text data is non-functional descriptive material (e.g. music, literature, art, photographs and mere arrangements or compilations of facts or data) as it is merely stored so as to be read or *outputted* by a computer without creating any functional interrelationship (MPEP, 2100-13,

14, "Non-functional Descriptive Material"). Further, it has been held that, if the only differences between the prior art in the claims is found in non-functional material stored in computer memory then this difference is not sufficient to render the claims non-obvious in view of the prior art (MPEP 2106, section IV, 2100-21, 22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 8-13, 16, 21, 23-25, 28-33, 36 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294.

As per claim 1-5, 8-13, 16, 21-25, 28-33, 36, and 41, Ludwig et al. teach a distributed office system where remote users communicate using videoconferencing that displays an information aggregate including:

- a server for repeatedly receiving images from terminals connected to the server via a communications channel (figures 4, 21, and 31B-

C) and repeatedly transmitting picked up camera image data and text data from a terminal and transmitting the image and data to each of the terminal devices (abstract; figures 2A, 4, 8A-B, 21, and 31B-C; column 8, lines 12-22; column 9, lines 4-14; column 20, lines 1-32; column/line 20/65-21/65)

- inputting an image picked up from a camera (abstract; figures 2A and 18A-B)
- inputting text data that includes information about what a user is doing (figures 2, 36 and 40)
- user's working situation (figures 2A-B, 38-40)
- displaying data (e.g. character data) regarding a user's work situation, operation content and/or name (figures 2A-B, 8A-B, 37)
- displaying character data that is updated on the basis of each user's operation (figures 2A-B, 36, 37, 40 and 41; column 15, lines 10-31; column 26, lines 15-35; column 27, lines 5-41)
- displaying a user office and diagram image (figures 38-40)
- displays information concerning the plurality of users (figures 2A-B, 38-40)
- selecting of a user to be displayed and controlling how data is displayed (figures 37-40; column/line 26/15-27/5)

- communicating with users in different windows (figure 2A-B, 8A-B, 38-40)
- selecting means for selecting another user's office, input means to visit another the selected users office, displaying the user's office including work situation and fixtures (figures 8A-C)
- a server device that makes calls to the registered number of a selected user via a telephone board (figures 20-24; column/line 18/33-20/33; column 20, lines 65-67; column 21, lines 11-35; column 25, lines 3-45)
- cameras for capturing user images, image compression, conversion, image transmission to a server device, image display on a terminal device (figures 1, 2A-B, 4, 18A-B, 21, 31A-C; column 10, lines 12-67; column 12, lines 45-55; column 17, lines 54-67; column 30, lines 11-67)

Regarding working situation display of a virtual user common space, this is taught by Ludwig et al.. Ludwig et al. implement their system using portable devices thus and therefore videoconferencing can take place anywhere. For example, Ludwig et al. teach a conference that includes an outdoors caller in Central Mexico (figure 42; column 38, lines 22-36).

Regarding displaying at least two types of information for each user and a virtual room display means for displaying, for each user, diagram images indicating the user's virtual single-room office on the screen of the terminal device is the user, Ludwig et al. disclose a videoconferencing system where a workstation displays a user's working situation image and character information concerning the user's working situation (figures 2B, 8C, 22, 34, 36, 37, 40 and 41). Similarly, Ludwig et al. also provide display means for displaying the virtual office of the videoconferencing participants (figures 2B, 8C, 22, 34, 36, 37, 40 and 41). Ludwig et al. do not explicitly recite "single room office". However, as the system of Ludwig et al. display the user(s) in whatever environment he or she is (they are) in, be it indoors or outdoors (figures 2B, 8C, 40-42), it would necessarily encompass those participants who are broadcasting from a single room office.

Regarding a diagram image indicating an entrance door with a window for viewing a working situation, this is a merely ornamental and/or a matter of design choice. Therefore, it would have been obvious for a user to display on a user terminal device any image that the user that finds pleasing such as an office door icon instead of a face icon (figure 2A) to initiate and conduct videoconferencing and arrange videoconferencing participants on the screen by organization. Ludwig et al. teach a window

used to view a user's working situation and surroundings (figures 2A-B, 8A-B, 37; column 15, lines 17-23). Further, Ludwig et al. read on the following: a conference call conducted between several organizations where each party is located in an onsite conference room at the party's respective organization teaches Applicant's organizational grouping (figures 37 and 38). Similarly, Ludwig et al. also teach "a class organization icon" where an organization is represented (figures 2B and 22- "video phone" window , figure 8C- "collaboration initiator" window). Therefore, as different entities (e.g. manager, director, assistant, etc.) within an organization are old and well known. Ludwig et al. necessarily at least suggest (figure 8C- "collaboration initiator" window) displaying a director, manager, etc. However, it is important to realize that neither the "door" nor the "arrangement of images" provide additional functionality therefore, differences if they exist do not distinguish Applicant's claims from the prior art.

5. Claims 6, 7, 18-20, 26; 27 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Brunson et al., U.S. Patent No. 5,760,823.

Ludwig et al. teach a videoconferencing system that allows users simulate a face-to-face exchange over a remote network comprising: multimedia mail

messages (column 6, lines 38-50; column 37, lines 57-67), management of videoconference calls that includes the system operating in "telephone mode" using telephonic techniques such as left messages, "hang up", "hold", "resume" and "refuse"(column 22, lines 1-43; column 23, lines 8-39; column/line 35/36-36/13), the use of a face icon corresponding to a user when the user is not communicating with a caller (column 23, lines 30-39), as well as video phones (figure 37; column 36, lines 1-15). Ludwig et al. also teach audio/visual messages that inform a user of the time of day or to remind the user of a time sensitive event (column 40, lines 26-33). However, Ludwig et al. do not specifically teach visual messaging. Brunson et al. teach a universal mailbox that stores incoming audio and video messages (abstract; figures 3, 6, 11-13; column/line 2/5-3/55) and receives input from audio and touch-tone ports and video workstations (column 5, lines 12-24). The system of Brunson et al. also operates like an answering service (such as Audix –column 6, lines 13-23) or machine in that a subscriber or user can leave a personal visual greeting (column 7, lines 5-40). Therefore, regarding a message that informs a caller that the desired party (i.e. user/subscriber) is "on vacation", "on the other line", "at a meeting", "out to lunch" or "resting" what have been obvious to one of ordinary skill as such greeting well known in the art of telephonic and/or electronic messaging. Hence, it is a matter of design choice as to what type of visual greeting the user or subscriber wishes to leave. Therefore, it would have been

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obvious to one of ordinary skill of the art to combine the teachings of Ludwig et al. and Brunson et al. The motivation is as follows:

By implementing the video messaging with the system of Ludwig et al., the Expert can inform (or remind) organizations of his consulting hours, in the event a call is placed outside the time he/she has allotted for advising clients ('294, column 40, lines 25-35).

6. Claims 14, 15, 17, 34, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Palmer et al., 6,195,683.

As per claims 14, 15, 17, 34, 35 and 37, Ludwig et al. teach a teleconferencing system that utilizes an architecture arrangement that accommodates users with varying multimedia handling capabilities (column 3, lines 42-50) and video workstations that receive video transmissions from laptop at a reduced frame rate (column 38, lines 31-49). Regarding the displaying of a registered user's image when no camera is available, Ludwig et al. teach the use of laptops with reduced functionality (column 15, lines 1-9), registering of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). The Examiner takes Official Notice that the displaying of a user's image during a two-way multimedia exchange are well known. For example, during cable and television news segments, if a foreign

correspondent is at a location that doesn't support the transmission of video data, a station will often provide viewers with a still image of the foreign correspondent and a map identifying his or her whereabouts. Therefore, it would have been obvious to display a registered image of a client or co-worker using a laptop with reduced capabilities in order to identify him or her to videoconferencing participants and to prevent lewd or offensive material from being displayed. Ludwig et al. also teach the registration of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). However, Ludwig et al. do not teach frame rate control. Palmer et al. teach a system that allows participants to optimize the delivery of multimedia content during video-teleconference (abstract). In particular, Palmer et al. allow users to control the frame rate of video content (figure 10, 21, 22; column/line 10/64-11/22; column 16, lines 40-60; column 17, lines 45-67; column 21, lines 7-18). Therefore, it would have been obvious to combine the teachings of Ludwig et al. and Palmer et al. The motivation is as follows:

By providing users of the Ludwig et al. system with multimedia transmission controls high performance videoconferencing can be conducted in real-time and without regard to bandwidth ('683, column 5, lines 17-32).

Conclusion

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 3600

Art Unit: 3621

Washington, D.C. 20231

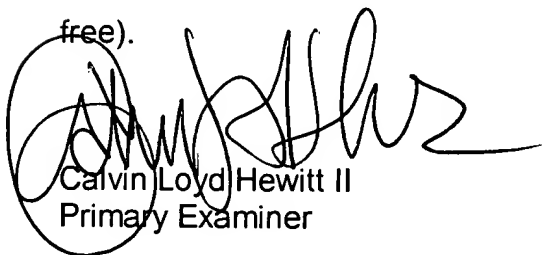
or faxed to:

(571) 273-8300 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Calvin Lloyd Hewitt II
Primary Examiner

July 12, 2006